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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT YAKIMA**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 1:20-cv-03127-SAB

ORDER RE DEFENDANTS'
MOTION TO CLARIFY
PRELIMINARY INJUNCTION

[PROPOSED]

This matter came before the Court on the Defendants' Motion to Clarify the Preliminary Injunction. The Court has considered the Defendants' Motion and supporting declarations, and Plaintiffs' Response and supporting declarations, and is fully apprised of the matter.

The Court therefore ORDERS that Defendants' Motion to Clarify the Preliminary Injunction is GRANTED IN PART AND DENIED IN PART:

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1 1. Defendants’ proposed clarification to Paragraph 2(a) of the
 2 Preliminary Injunction Order is GRANTED IN PART. Paragraph 2(a) is clarified
 3 to provide that the Postal Service is not required to delay a trip when the impact of
 4 the delay will be an overall degradation in service, e.g., in order to prevent a small
 5 amount of mail from being delayed if doing so would cause a larger amount of
 6 mail to be delayed, but that the Postal Service shall use extra trips to minimize the
 7 effect of such delays and to meet service commitments, except when not feasible.
 8 “[E]xtra trips that are reasonably necessary to complete timely mail delivery [are]
 9 not to be unreasonably restricted or prohibited,” as the Postal Service committed
 10 to in its September 21, 2020 memorandum to employees.

11 2. Defendants’ proposed clarification to Paragraph 2(b) of the
 12 Preliminary Injunction Order is GRANTED IN PART. Paragraph 2(b) is clarified
 13 to provide that the Postal Service is required to ensure that Election Mail “is
 14 generally delivered in line with First-Class Mail delivery standards,” as the Postal
 15 Service committed to in its September 25, 2020 memorandum to employees, but
 16 the Court is not specifying that Election Mail entered as Marketing Mail be shipped
 17 by any particular means (such as by air). To facilitate this goal, the Postal Service
 18 will, as it has promised, take “extraordinary measures” “between October 26 and
 19 November 24, to accelerate the delivery of ballots, when the Postal Service is able
 20 to identify the mailpiece as a ballot. These extraordinary measures include, but are
 21 not limited to, expedited handling, extra deliveries, and special pickups as used in
 22 past elections, to connect blank ballots entered by election officials to voters or
 23 completed ballots returned by voters entered close to or on Election Day to their
 24 intended destination (e.g., Priority Mail Express, Sunday deliveries, special
 25 deliveries, running collected ballots to Boards of Elections on Election Day, etc.).”
 26

3. Defendants' proposed clarification to Paragraph 3 of the Preliminary Injunction Order is DENIED without prejudice to the same arguments being raised again in the future.

It is SO ORDERED.

ISSUED this _____ day of October, 2020.

THE HONORABLE STANLEY A. BASTIAN

Presented by:

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DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 1st day of October, 2020, at Tumwater, Washington.

/s/ Jennifer D. Williams

JENNIFER D. WILLIAMS

Paralegal